

FILED

12/19/2019

Clerk, U.S. District Court
District of Montana
Helena Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

CALEB GARRETT, as Owner and
Operator of the Crestliner 16-foot
Fishing Boat, Vessel Official Number
MT3657AV

Plaintiff,

For Exoneration From or Limitation of
Liability.

No. CV 19-81-H-SEH

ORDER

Plaintiff's Complaint For Exoneration From or Limitation of Liability filed on December 5, 2019,¹ is grounded in 46 U.S.C. §§ 30501–30512, and is asserted to be “a cause of admiralty or maritime jurisdiction . . . within the meaning of Federal Rule of Civil Procedure 9(h) and Rule F of the Supplemental Rules for Admiralty or Maritime Claims.”²

Fed. R. Civ. P. 12(h)(3) requires dismissal “[i]f the Court determines at any time that it lacks subject-matter jurisdiction.” Review of the complaint suggests

¹ Doc. 1.

² Doc. 1 at 1–2.

substantial issues are presented as to whether federal admiralty jurisdiction has been well-pleaded.³

ORDERED:

Plaintiff shall have to and including January 3, 2020, to file a brief directed to whether federal admiralty jurisdiction has, by applicable law, been adequately well-pleaded to invoke this Court's subject matter jurisdiction.

DATED this 19th day of December, 2019.



SAM E. HADDON
United States District Judge

³ See *Adams v. Mont. Power Co.*, 354 F.Supp. 1111 (D. Mont. 1973) (finding the twenty-five mile stretch of the dam-obstructed portion of the Missouri river was not navigable for purposes of exercising admiralty jurisdiction), *aff'd*, 528 F.2d 437 (9th Cir. 1975).